

**Idaho Fish and Game Commission  
Quarterly Meeting July 23-24, 2008  
Cabela's  
101 N Cabela Way  
Post Falls, Idaho**

**July 23**

Commissioners Wright, McDermott, Trevey, Barowsky, Budge and Power toured the Pend Oreille Wildlife Management Area, Pack River Delta and the Waterlife Discovery Center.

**MISCELLANEOUS**

**Public Meeting**

Acting Chairman Wright called the meeting to order at 7:00 p.m. Commissioners Tony McDermott, Fred Trevey, Robert Barowsky, and Gary Power were present. Commissioner Budge joined the meeting at 7:15 p.m. Commissioner Cameron Wheeler was absent.

Acting Chairman Wright stated that the purpose of the public meeting is to collect data from constituents and the information is important to the Commission. It is part of the Commission responsibility to garner public input and to consider it very carefully. Chairman Wright introduced Emily Anderson, Governor's Office and Maria Barratt, Division of Financial Management.

Richard Good, Hayden, had concerns when the use of scopes by visually impaired hunters during muzzleloader and archery seasons would be enacted if the Commission passes. Staff noted that it would not be effective until the 2009 hunting season since this is a proposed rule to be approved at the next legislative session before it can be effective. Mr. Good is concerned about the cow seasons in Units 4-7-9 being cut to three days before the aerial survey was completed. Are you going to reinstate the 7 days for the next season.

Nate Helm, Sportsmen for Fish and Wildlife, noted that the goals of the organization have been to assist the government in understanding sportsmen's interest and try to get more dollars on the ground for habitat. Thanks for allowing SFW to provide some input on fee increase proposals and the wolf stakeholder group. Mr. Helm referenced the work SFW and Southeast Idaho Mule Deer Foundation have done to preserve deer and elk on the Timber Dome Ranch. SFW has been involved from the very beginning on the delisting of wolves and are intending to lead out and challenge the judges decision and feels it is in everyone's best interest if Idaho gets to manage its own wildlife.

Jim Frame, Hayden, spoke regarding disabled Veterans 40% procedures for combination licensing. He feels the current procedure is not a proper procedure, is a costly procedure,

and does not meet Idaho code. Mr. Frame pointed out errors on the application disabled form and which have been corrected. He referenced Statue 38 and the forest stumpage.

Bob Balser, Hayden, referenced a letter from former Director Jerry Conley to Ed Bangs acknowledging a report on non essential experiment on wolves and special permit issued by Wildlife Supervisor, Tom Reinecker to reintroduce wolves into Idaho.

John Walters spoke regarding wolves and stated that Judge Molloy did us a favor. He feels IDFG committed fraud stating that Idaho would have a hunting season for wolves knowing that litigation would follow. Mr. Walters is concerned about the damage to the elk herds the wolves are causing. He stated the Idaho Anti-Wolf Coalition will have a petition again this year. As a hound hunter who has had to quit hound hunting due to the wolves he would like to be compensated along with the other 750 hound hunters who have quit hound hunting.

Arnold Van Cleave has questions on how the Department counts wolves? Does the Department check for dead animal carcass counts where the elk herds winter such as Dworsahk? Chairman Wright noted that staff will answer his questions after the meeting.

George Schaefer stated that the disability form application is ambiguous, does not agree that you need to prove you can pack a gun, and would like IDFG to accept the Department of Motor Vehicle form.

Director Groen provided a report on the current status concerning wolves. Director Groen stated that Judge Molloy issued a preliminary injunction against wolf delisting on July 18<sup>th</sup> which reinstated Federal ESA protection of the rocky mountain gray wolf pending final resolution to the case. The Department was disappointed; staff put considerable efforts in this, good biology and good science. The Judge did confirm that the Idaho Wolf Plan was a good plan and that Idaho did its part. State lawyers are working with the federal lawyers and the Department. The Department cannot manage wolves until it can get through the court system. The Department will do everything it can to keep wolves delisted. The key basis of the analysis was the lack of evidence on genetic exchange with the Yellowstone wolf population along with the adequacy of the Wyoming plan. Both of these issues are outside the Departments influence but the Department will do what it can in dealing with them. Director Groen stated that he feels Idaho Fish and Game Commission and the Department has done everything in their power to get wolves delisted. It was not fraud and the Department was honestly pursuing and thought there would be hunting seasons this year. The Department will follow the federal 10(j) rule of January 2008. Under the 10(j) rule the landowners are allowed to protect their property if the wolf is in the act of killing livestock or dogs. It also ensures the health of wild elk and deer herds. The Department has documented 732 wolves and 81 packs in the state and are increasing 20% per year and are impacting our big game herds.

The Commission answered various questions from the audience regarding wolves. Commissioner McDermott referenced a book titled Wolves in Alaska that would be beneficial for citizens concerned about wolves to read.

Commissioner Budge stated that in light of some of the comments heard he would like to look at it in a different view on how the Department got into this problem. Commissioner Budge stated that most of the Commissioners are elk hunters and grew up elk hunting. They are not real keen about wolves either. There are circumstances under which we get trumped by Federal law and we have been trumped by federal law. We have laws such as the clean water act passed in 1972, clean air act passed in 1970, Endangered Species Act (ESA), these are all federal laws and they trump anything that we can do in Idaho under State law. The only way to change these laws is if Congress goes in and changes the law. It is not very realistic to expect that our ESA will go away. So what happened was that under the ESA, federal law, that the U.S. Fish and Wildlife Service a federal entity introduced wolves on federal land. At that time, Commissioner Budge stated that there was not any question that the vast majority of the public in the state of Idaho did not want any wolves and that would be the same today. We were trumped by the ESA. Ever since being introduced the best thing we can do is to see that they are recovered and get delisted. Once the wolves are delisted we can manage like any other predator. The Department has proven we can manage bears, mountain lions and manage big game species. We do not always get it right but we have the ability through our biologists with the input from the public to manage our game species so that we have hunting and fishing opportunities. All we have asked for is an opportunity to do that. We came in and worked diligently to get a plan that FWS would approve not only in Idaho but Wyoming and Montana so we could take over the management of wolves and get it out from the ESA and the federal law goes away; allowing the Department to manage. To suggest the Department wolf management plan was some kind of contract is not accurate. That was a plan the Department developed to give us the opportunity to manage this species that we think is fully recovered, has been recovered for many years and now should be delisted. The Department adopted a management plan hoping to manage this species. The Commission did not lie to anyone or commit fraud by establishing hunting seasons. What the Commission did was to take over management and start with a hunting season and get them under control so that the elk and deer populations can survive and thrive. The Commission was working hard to accomplish this. The Department did not have any control over the fact the Defenders of Wildlife and other groups picked and chose where they wanted to go to court. They chose to go to federal court and file a suit in Missoula, MT. You may wonder why Montana? Most likely because they wanted to be heard by a particular judge. The Commission is not happy with the restraining order and distressed about this situation. The Commission is also being deprived of the right to manage wolves and protect other wildlife, just as are sportsmen are being deprived of wildlife and hunting opportunities. Commissioner Budge stated that the suit was filed against UFWS in Montana saying they wrongfully delisted wolves. The Commission and state of Idaho intervened in that lawsuit to try and defend the delisting. The Commission wanted to manage and wanted the ability to do so, the Commission did all they could to convince the judge that everything was fully recovered. The temporary restraining order means that we are going to maintain the status quo for now and are unable to take over management and have a hunting season until we have a trial on the merits. The Commission will do all that it can to turn that decision over. He is not sure if we will be successful before the judge but if not there will be a strong effort by this Commission to say this species is

causing devastation to our ungulates in some areas and Idaho may want to appeal to the ninth circuit court if USFWS cannot fix the delisting problems. The Commission will meet with legal counsel in executive session and I can assure that we are unhappy as you are about this and will do everything possible to turn this case over and get back in a position that allows us to take over management. When the Commission does it will do its best to manage its ungulate herds.

Gary Power noted that not only the Attorney General's office and the Department all testified for Wyoming, Montana and Idaho but others such as Sportsmen for Fish and Wildlife, Safari Club International, NRA, MT Stock and Sportsmen's organizations. There were a number of interveners in all three states that did a remarkable job.

Director Groen stated that this is a volunteer Commission and they are spending considerable time looking at the welfare of our wildlife and sportsmen. You can see their dedication. The Department will be meeting with Wyoming and Montana to discuss wolves and all are struggling with this issue. The Idaho plan is adequate. The Department will keep an updated website for information.

### **Adjournment**

The public meeting ended at 8:35 p.m.

### **July 24**

Acting Chairman Wright called the meeting to order at 8:00 a.m. with Commissioners Tony McDermott, Fred Trevey, Bob Barowsky, Randy Budge and Gary Power present. Commissioner Cameron Wheeler was absent.

## **MISCELLANEOUS**

### **Agenda Changes**

Review of Public Comment (agenda item 3) will be considered after the Executive session and the Wolf Update Report.

### **Director's Report**

Director Groen complimented staff on their work in the Director's Report laying out the accomplishments and activities in each Bureau.

- Director Groen and Commissioner McDermott attended the WAFWA conference in July
  - Twenty-three States and two provinces were represented and the main topic of discussion items was ESA ranging from polar bear, sage-grouse to wolves
  - ESA is creating a lot of challenges for a lot of state agencies
- Fishing license trends were up in June only 2% behind last year numbers

- Fiscal Year 2008 did not require any draw down of its cash reserves to meet its obligations
- Craig Wiedmeier received a statewide award from the Idaho Information Technology Resource Management Council
- Sue Nass was honored with an Emmy Award for her work on Dialogue for Kids
- The Super Hunt Draw was held June 16<sup>th</sup> and was up 70 percent
- Direct mail brochures touting Fish and Game's Family Fishing Water were mailed out to lapsed anglers
- Staff is working with other state and federal agencies and private partners to develop a plan to reconnect Idaho kids with nature
- Project Wild trained 85 teachers in April, 109 teachers in June
- MKNC reported over 800 visitors on the weekend of April 26 and 27<sup>th</sup>
- Assistant Chief of Enforcement, Clay Cummins is retiring after 27 years of service
- Seven new conservation officers completing their training at the POST academy
- Wildlife Forensics Lab has a \$25,000 agreement with Oregon to provide wildlife forensic work
- Eagle Fish Hatchery project is complete
- Free Fishing Day was a success throughout the state
- The Department has submitted 69 conservation efforts that have or will benefit sage-grouse in Idaho
- Sage-grouse numbers are down but are still above the 1996-2000 levels

### **Commission Reports**

Each Commissioner provided a Regional update report.

#### **Panhandle Region, Commissioner McDermott:**

- Attended the WAFWA meeting in South Dakota July 17-22
  - Over 35 Commissioners attended representing 23 states
  - Topics of discussion included Human Dimensions on Mountain Lions, Farm Bill, OHV's and lighted knocks for archery, lead and venison study
- Thanks to Chip Corsi, Mark Taylor, Dave Leptich and Kathy Cousins for a great field tour
- Commission appreciates the opportunity to get out in the field
- Kathy Cousins awarded Employee of the Year Award
- Seven youth mentored turkey hunts with 25 young hunters participating
- Women's Introduction to Hunting clinic held at Coeur d'Alene Rifle and Pistol Club
- The Region and the Chamber of Commerce hosted an osprey cruise on Coeur d'Alene Lake for over 400 people
- Pend Oreille Lake Update
  - Commercial netters ceased netting on May 29<sup>th</sup> on Lake Pend Oreille and will resume August 29
  - From January through May netters removed 4,609 lake trout

- The number of heads turned into the angler incentive program (\$15 reward for lake trout and rainbow trout) was 1/3 to 1/2 the number at the same time last year
  - The Fish Recovery Task Force has continued to meet regularly and is interested in stepping up outreach efforts
- A noticeable die-off of warmwater fish was observed in several lakes around the southern part of the region in late June
  - Mortality was likely a result of increasing water temperatures combined with post-spawn stress
- The North district is receiving a large number of bear complaints
- Graduate project on black bears being done by Ben Jimenez
  - Project is working on habitat change for black bears in the Coeur d'Alene Mountains

#### Salmon Region, Gary Power

- Salmon fishing on the Upper Salmon River is good
  - Kudos to the fisheries team who worked on this
  - Approximately 944 fish harvested
  - Commissioner Power has heard lots of positive comments
- Free Fishing Day held in the Region with 244 kids participating at 3 locations
- Wolves have been in the Salmon Region since 1995
  - To date 6 packs confirmed as breeding pairs
  - Three additional suspected packs as breeding pairs but not confirmed
  - Control actions and total mortalities documented as 27
  - 22 lethal control wolves getting in trouble on private ground
  - 2 illegally killed and 1 killed legally reported wolves
  - Buffalo Ridge and Double Spring packs have been removed
  - Nine breeding pairs in the Salmon Region
  - Region is using GPS collars to monitor wolves
  - Kudos to wolf biologist Jason Husseman for replacing a wolf collar; a difficult mission
- Reports great winter with good snow pack
- Good for runoff into the rivers
- Working on reconnectivity on the streams with Big Timber Creek being a major one
  - Partnership with landowners providing water and a better delivery system leaving water in the creek allowing migration in the rivers
- Region receiving bear complaints
- Wolverines captured and radio collared in the region

#### Southeast Region, Randy Budge

- Referenced Town Hall meeting in Preston
- Winter Feeding program
  - Identified ways the winter feeding program could be better implemented and communication with landowners
- High winter mortality on fawns with low mortality rate on does

- Reports an active sage-grouse local working group
  - High lek counts on Curlew which has been closed for a number of years
- Low reservoirs last year with good run off this year
- Referenced Twin Lakes Canal Company and thanks Director for meeting with this group of people and the decision to allow the fishing areas to remain open to the public
- Toured the Lower Bear Valley with the Director
  - Appreciated Director Groen conducting a staff meeting in the Region
- Region is experiencing problems with larger 4-wheelers UTV's which are wider and the Forest Service does allow on trails
- Phosphate Mining and selenium in southeast Idaho will continue to be a very volatile issue and will need to deal with on an ongoing basis
- Progress being made on the Urban fishing project
- Remodel at the Regional office is badly needed

#### Southwest Region, Robert Barowsky

- Reports 48 bears captured in Unit 32A east of Council
- California bighorn sheep population survey has been completed
  - Overall numbers were down but no cause for alarm
- Three major planned communities on the drawing board in Ada County
  - IDFG staff continue to work with Ada County staff and officials on ways to mitigate for impacts to fish and wildlife habitat
- Processing of a groundwater application for wells at Roswell Marsh has been approved
- South Fork Salmon River Chinook fishery was a success with a harvest around 2900 fish
- Fisheries staff continue to work with the City of Weiser, other agencies to develop a community fishing pond on the Southside of Weiser
- On July 9<sup>th</sup> 8 volunteers and I collected 113 pounds of bitterbrush seed across from the low water boat ramp at Arrowrock Reservoir
- Three free fishing day events in the Region with approximately 186 youth participating
- Hunter Education classes are doing well with 47 registered for April
- Project Wild Classes held April 25-26 with 22 teachers participating

#### Clearwater Region, Fred Trevey

- Ongoing effort to recover wild steelhead in the Potlatch river drainage
  - Will participate on a field trip to catch the juvenile fish for the recovery program
- Family fishing area ponds important to youth and the community
  - Provides great outdoor experience for youth
- Chinook fishing high waters and lateness of fish have caused some problems for fishermen
- Thanks to SFW and Nez Perce County for their efforts on construction of a parking lot for the Red Bird property

- Lots of work this spring on improving boat ramps and docks
- Enforcement officers are 1<sup>st</sup> line of communicating in the small rural communities
- Officers participate in extra activities in the communities and are doing an excellent job
- Referenced a report of 6 dogs allegedly killed by wolves when bear hunting on Smith Creek
- Attended a briefing by a researcher in the LoLo Zone work on elk/wolf relationship
- GPS collars are very expensive \$5,000 for wolves, but provide valuable information
- Suggested a briefing by the researcher for the November Commission meeting
- The Clearwater Basin Collaborative group continues to meet and the effort is gaining energy
- Reports that Congress is on the verge of passing a Forest Landscape Restoration Act that could provide up to \$4 million over a ten-year period to an established collaborative group that is working at the landscape level for restoration
  - The collaborative group may be able to tap into this

#### Magic Valley Region, Wayne Wright

- Reports Walleye fishing at Salmon Falls Creek Reservoir has been very good
- The kokanee have over-populated at Anderson Ranch
- Operation of a weir on the south Fork Boise River later this summer to limit reproduction and kokanee population recruitment
- MDI projects are still active in the Region and thanks to volunteers for the work planting shrubs and forbs
- Implemented a controlled burn in June to stimulate aspen regeneration in Unit 54 for mule deer fawning
- Building fences in the Murphy Airstrip to enhance wildlife movement
- Bear hunting was late this year and reports enforcement problems with baiting
- The Bruneau bighorn sheep count is up
  - Fifty-nine ewes with 36 lambs counted in the survey
  - Staff observed 19 “legal (3/4curl or better)” rams and 26 “sublegal” rams
- Reported new growth in the Murphy Complex Fire area
- The Department continues to play a role in the Eastern Snake Plain Aquifer Working Group

#### Consent Calendar

The July Consent calendar contained the minutes of the May 21-22, and June 9, 2008 Commission meetings; the Financial Report for the period ending June 30, 2008; and the following budgets adjustments:



### **Rocky Mountain Elk Foundation**

A \$20,000 increase in the Bureau of Wildlife FY09 operating budget, PCA 48861, to provide supplemental support for “Effects of Wolves on Elk in Central Idaho”.

A \$10,000 increase in the Bureau of Wildlife FY09 operating budget, PCA48861, to provide supplemental support for “Tex Creek Mule Deer and Elk Competition Study”.

### **Idaho State Department of Agriculture**

A \$10,400 increase in the Bureau of Wildlife FY09 operating budget, PCA 48853, to bring budget in line with contract spending for the fiscal year to implement actions identified in the Idaho Brucellosis Management plan to maintain the state’s brucellosis-free status.

**08-53 Commissioner Power moved and Commissioner Barowsky seconded a motion TO APPROVE THE CONSENT CALENDAR AS PRESENTED. The motion carried in a unanimous vote.**

## **REPORT**

### **Outdoor Central Update**

Jim Lau, Chief, Administration and Eric Richey, General Manager, Outdoor Central provided a report on the status of Outdoor Central. Outdoor Central, the Department licensing system provider, has announced that they are in negotiations for acquisition by Active Networks of San Diego. Mr. Richey noted that Active Networks is partially owned by ESPN.

Mr. Richey covered concepts that could be available in the future for the licensing system. A few of those concepts were hunter harvest reporting, enforcement officer ability to access records and Hunter Education.

## **RULES**

### **Rules: Disability License Self Certification to Hold and Use Legal Equipment; Define Physician for Purposes of Disability Certification**

Sharon Kiefer, Assistant Director-Policy, distributed copies of the proposed changes in IDAPA 13, Chapter 4 (Appendix 41, Exhibit 62). Ms. Kiefer stated that at the May 22 meeting, staff briefed the Commission about issues relating to the current rule requiring physician certification of both disability criteria and the ability to hold and use legal equipment. This rule structure requires an additional physician certification for individuals who already hold a “permanently disabled” notation on their driver’s license because they must still be physician certified to hold and use legal equipment. The rule structure has generated complaint from disabled customers.

Staff recommended investigating a self certification alternative for the physician certification to hold and use legal equipment. The Commission directed staff to provide a rule alternative for self certification.

Staff also pointed out that the rule requiring certification to hold and use legal equipment was not properly referenced in current rules and the Commission directed staff to fix this error.

Since the Commission meeting in May, there has been confusion by disabled customers about who can properly certify the disability criteria. Although the rule requires disability certification by a physician, physician assistant, or nurse practitioner, the Department has received at least one form for a disability license certified by a chiropractor. Staff does not believe this was the intent of the rule.

Staff has reviewed information provided by several disabled customers.

Staff recommendations are:

- Adopt a self certification rule allowing a disabled applicant to self certify that they are capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment.
- Amend rules so that required documentation in the disability license and motor vehicle permit rules are correctly referenced.
- Adopt a rule in IDAPA 13.01.04 defining physician.

The Commission requested consideration of a self certification rule as an alternative to current rule in IDAPA 13.01.04.302.02.c and 13.01.04.303.01.b, which requires physician certification that the applicant is capable of holding, or holding and firing, without assistance from other persons, legal hunting and fishing equipment. The Commission directed staff to properly reference required documentation in the disability license rules.

**08-54 Commissioner McDermott moved and Commissioner Budge seconded a motion to adopt as a proposed rule, TO ADOPT A SELF CERTIFICATION RULE ALLOWING A DISABLED APPLICANT TO SELF CERTIFY THAT THEY ARE CAPABLE OF HOLDING, OR HOLDING AND FIRING, WITHOUT ASSISTANCE FROM OTHER PERSONS, LEGAL HUNTING AND FISHING EQUIPMENT. The proposed rule will not be in effect until approved as a permanent rule by the 2009 legislature.**

**Motion 08-54 was tabled for further consideration and will be considered at the November meeting.**

Commissioners discussed the staff recommendations to amend the rules so that required documentation in the disability license and motor vehicle permit rules are correct; and to adopt a rule in defining physician. Commissioners directed staff to meet with veteran's

affairs office and bring a Department recommendation to the November meeting for Commission consideration.

## **REPORT**

### **Review of Hunter Orange Policy**

Sharon Kiefer, Assistant Director-Policy, provided an update on the Hunter Orange Policy. Ms. Kiefer noted that the role of hunter orange in hunting safety has been a previous topic considered by the Commission in both legislative and administrative forums. Currently, the Commission does not have a formal policy about the use of hunter orange.

Staff was contacted by a few Clearwater Region legislators and constituents in summer 2007 to discuss the utility of hunter orange, use of hunter orange in nearby states, use of hunter orange in Department programs and rules, and the Idaho legislative background of hunter orange. There was recognition that use of hunter orange serves a social purpose, not a specific biological purpose for wildlife management. There was no request for the Department to sponsor hunter orange legislation but there was desire to understand the Commission position about hunter orange to serve as a foundation for further legislative and public policy discussion by citizen advocates with their legislators.

Commission direction is to post the draft (Appendix 41, Exhibit 63) Statements of Policy Regarding Hunter Orange on the Department website for public input. The Commission will consider at its November 5-7, 2008 meeting.

## **LEGISLATIVE**

### **Legislative Review and Approval of Legislative Proposals**

Sharon Kiefer, Assistant Director-Policy presented the Department Legislative Proposals (Appendix 41, Exhibit 64) to the Commission. Commission consensus is to postpone legislative proposal #1. Fee Increase until agenda item # 21 Department Budget has been presented.

**08-55 Commissioner Barowsky moved and Commissioner Power seconded a motion TO PROCEED WITH LEGISLATIVE PROPOSALS DEFINED IN 2, 3, 4 AND 5 OF THE INFORMATION PROVIDED EXCLUDING NUMBER 1. The motion carried in a unanimous vote.**

## **REPORTS**

### **Idaho Fish and Wildlife Foundation Report**

Ms.Kiefer presented the Idaho Fish and Wildlife Foundation report for Gayle Valentine, Executive Director.

Idaho Fish and Wildlife Foundation Executive Committee approved building modification request to repair concrete sidewalk at IDFG Magic Valley office in Jerome, Idaho.

Staff conducted annual inspection of Foundation conservation easements in Fairfield and in Boise, Idaho.

Staff visited with a donor in the Wood River Valley regarding creating a wetland on his Foundation-held conservation easement.

Positive feedback continues from winning bidders on their 2008 online auction trips. Comments are highlighted in the upcoming Foundation summer newsletter being mailed middle of July.

Plans are firming up for the August 14, 15 & 16 Foundation board meeting in Pocatello. The Foundation 2007 financial audit has been completed. The annual audit conducted by an outside independent audit firm discovered no findings. Copies will be distributed to board members at the August meeting.

The new elk wildlife plate design is “on the street”.

### **Department Draft White Sturgeon Management Plan**

Scott Grunder, Fishery Program Coordinator, provided a report on the Department Draft White Sturgeon Management Plan. Mr. Grunder stated that the Snake River white sturgeon have declined across their historical range in Idaho for a number of reasons. The natural range of white sturgeon in the Snake River is from Shoshone Falls near the city of Twin Falls, Idaho downriver into the Columbia River. The Fisheries Bureau has prepared a Draft Management Plan for the Conservation of Snake River White Sturgeon in Idaho. This draft plan summarizes historical and current information on Snake River white sturgeon. It describes their status with respect to abundance, trends, and an evaluation of limiting factors to the species. We present management objectives in the plan that will be implemented in collaboration with key partners such as Idaho Power Company, whose responsibilities relate to relicensing of its Snake River hydropower system. This brief presentation will provide an overview of the management objectives the Department proposes to implement to enhance the conservation status of Snake River white sturgeon. The Fisheries Bureau seeks approval from the Commission to solicit public review of this draft plan.

**08-56 Commissioner Barowsky moved and Commissioner Power seconded a motion TO ALLOW THE DEPARTMENT TO TAKE THE DRAFT WHITE STURGEON MANAGEMENT PLAN OUT FOR PUBLIC REVIEW. The motion carried in a unanimous vote.**

### **Salmon Fishery Update**

Ed Schriever, Chief, Fisheries, provided an update report (Appendix 41, Exhibit 65) on Spring/Summer Chinook Salmon recreational fisheries in Idaho this spring. Chief Schriever stated that the Chinook season this year was some of the best salmon fishing we have had in Idaho for the parts of the river open. The statewide average was 13.3 hours per fish kept.

## **MISCELLANEOUS**

### **Executive Session**

**08-57 Commissioner Trevey moved and COMMISSIONER McDermott seconded a motion TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345 1 (F) LEGAL. The motion carried in a unanimous vote.**

**08-58 Commissioner Trevey moved and Commissioner Barowsky seconded a motion TO COME OUT OF EXECUTIVE SESSION. The motion carried in a unanimous vote.**

The session ended at 1:04 p.m. with no official action taken.

## **RULES**

### **Release of Bighorn Sheep Tags for Auction/Lottery**

Brad Compton, Big Game State Manager, briefed the Commission on the auction/lottery tags for bighorn sheep. Mr. Compton stated that the Idaho Fish and Game Commission is authorized to release a bighorn sheep tag for auction and a bighorn sheep tag for lottery. Department proceeds from the auction tag are used to fund bighorn sheep research and management. Proceeds from the lottery tag help fund Department activities for resolving problems between wild and domestic animals.

The Commission is authorized to select a nonprofit conservation organization to market the auction and lottery tags. No more than 5% of the auction tag proceeds, and no more than 25% of the lottery tag proceeds, may be retained by the nonprofit organization. The Wild Sheep Foundation (formally known as the Foundation for North American Wild Sheep) has been the conservation organization historically selected for marketing the tags.

**08-59 Commissioner Barowsky moved and Commissioner Power seconded a MOTION TO APPROVE (1) AUCTION AND (1) LOTTERY BIGHORN SHEEP TAGS FOR 2009 TO BE MARKETING BY THE WILD SHEEP FOUNDATION. The motion carried in a unanimous vote.**

## **MISCELLANEOUS**

### **USFWS Presentation**

Jerry Novotny, USFWS, Portland presented Bill Hutchinson, IDFG, an award for his work on Federal Aid/USFWS. Mr. Hutchinson's job was overseeing the federal aid in Sport Fish Restoration Program state, regional and national levels.

## **RULES**

### **Rules: Vendor and Lifetime License**

Craig Wiedmeier, License Operations Supervisor, presented the Department proposals to the vendor selection rules and lifetime certificate processes. Mr. Wiedmeier note that Commission rules provide guidelines for the Department in selecting which businesses may be approved to issue licenses for the Department. The application process requires applicants to contact the Department and for the Department to complete a review document. The Department would like to change the process to provide better response time to our customers who have applied to provide this service. Other changes include removing the requirements for paying a portion of the IWILD communication costs which the Department no longer has, along with some general rule clean up.

Commission rules also provide guidelines for the Department in processing Lifetime Certificate Applications. Under the current process it can take the Department a couple of months to notify the customer that their application has been received and approved. This will streamline both the vendor and lifetime certificate application processes.

Deputy Attorney General, Dallas Burkhalter, stated that these are proposed rule changes in three chapters of IDAPA rules and were approved for action as proposed rules and would not take effect until they go through the whole rule making process which includes legislative review in the upcoming session. If approved by the Commission and the legislature they would be effective at the end of the 2009 legislative session.

**08-60 Commissioner Barowsky moved and Commissioner McDermott seconded a motion to adopt as a proposed rule, TO ALLOW THE CHANGES SO QUOTED IN IDAPA 13.01.19, 13.01.20, AND 13.01.04.100. The proposed rule will not be in effect until approved as a permanent rule by the 2009 legislature. The motion carried in a unanimous vote.**

## **REPORT**

### **Idaho Outfitters and Guides Licensing Board Overview**

Deputy Director Virgil Moore introduced Jake Howard, Director, IOGLB; Wayne Hunsucker, IOGLB; Chairman of the Board; and Alex Irby, Commission Liaison. Mr. Moore referenced the MOU signed in 2007 that addressed a number of issues between the Department and IOGLB. He noted that some issues were left for further discussion and action. The two continue to work on these issues with private lands and licensing of outfitters on private lands. Delayed action on hunting turkeys on private land. High fence operations etc. The Department will stay engaged and try and resolve these issues and to find common ground allowing a more collaborative approach with the OGLB.

Alex Irby noted the IOGLB has a new chairman Wayne Hunsucker. Wayne had been on the board longer than any other member and is the representative for the public in general. Alex is looking ahead in a collaborative effort that will be meaningful in the future and will work both for both organizations. Good cooperation for the future. He noted future discussion for the organizations will be licensing and outfitting for turkeys.

Wayne Hunsucker commends staff on the work that went into getting the MOU signed. The biggest concern for the IOGLB at this time is the loss of their enforcement officer chief. They are looking at working with Fish and Game for some assistance with IOGLB officers out in the field. Mr. Hunsucker noted that the MOU will help the two agencies come closer together on some issues that have more controversy. They look forward to the continued relationship.

Jake Howard stated that he appreciates the opportunity to be at the meeting. There are some challenges ahead of us. Collaboration between IDFG and IOGLB and the Commission is essential as we identify and understand resource issues that need to be addressed as well as sociology issues.

## **RULES**

### **Direction on Expenditure of Animal Damage Control Board**

Brad Compton, State Big Game Manager briefed the Commission on the expenditure of animal damage control board funds. Idaho statute annually appropriates \$100,000 of Department funds to the State Animal Damage Control Board for control of predatory animals and birds. Additionally, the Department annually transfers surplus funds from the expendable depredation account to the State Animal Damage Control Board. Idaho statute authorizes the Commission to direct how these funds are to be used.

Since 2005 the Commission has directed \$50,000 or more to be used for intensive coyote removal in conjunction with the Mule Deer Initiative in eastern Idaho. Additional funds, approximately \$50,000, have been directed by the Commission to support Wildlife

Services activities identified in the MOU between the Department and the Animal Damage Control Board.

**08-61 Commissioner Power moved and Commissioner Barowsky seconded a motion TO ACCEPT THE STAFF RECOMMENDATIONS FOR THE EXPENDITURE OF THE IDAHO STATE ANIMAL CONTROL BOARD \$50,000 TO SUPPORT ADCB AND \$50,000 TO CONTROL COYOTES IN SUPPORT OF THE DEPARTMENTS MULE DEER INITIATIVE. The motion carried in a unanimous vote.**

### **Rules: Nonbiological for Big Game and Upland Game**

Mr. Compton presented the 2009 nonbiological rule proposals for big game and upland game. Historically, the Commission generally considered changes to non-biological rules in January of each year. However, a Governor's Office moratorium exists prohibiting proposed rulemaking from mid-November through the legislative session and therefore the rules presented today are proposed rules and will not go into effect until the legislature passes during the 2009 legislative session.

Mr. Compton distributed a copy of the 2009 Big Game Nonbiological Rules including public support (Appendix 41, Exhibit 66) and proposed IDAPA changes (Appendix 41, Exhibit 67).

Annually or biennially, the Idaho Fish and Game Commission consider proposed changes for 2 types of hunting rules, biological and nonbiological. Biological rules are published annually (i.e. Big Game, Waterfowl) or biennially (e.g. Moose, Bighorn Sheep, and Mountain Goat; Upland Game) and include seasons, limits, size, sex, and harvestable species. Nonbiological rules include all other rules adopted by the Commission. Examples of nonbiological rules include methods of take, tagging requirements, evidence-of-sex requirements, and controlled hunt eligibility requirements. Nonbiological rules are officially published in the Idaho Administrative Code (<http://adm.idaho.gov/adminrules/agyindex.htm>) and included in hunting regulation brochures.

**Rule:** 13.01.08.350. Identification of sex, size, and/or species in possession and during transportation or shipment.

**Issue:** Retaining evidence of sex after commercial processing of meat. Current evidence-of-sex rules require hunters to leave either the head/antlers or genitalia naturally attached while a big game carcass is being transported. The current rules technically require evidence-of-sex be left naturally attached when a hunter transports meat from a meat processing facility to home; an unnecessary inconvenience often overlooked by many hunters.

**Rule:** 13.01.08.410.02(f). Unlawful methods of take.

**Issue:** Use of 'red dot' scopes on crossbows by disabled archers. Current Commission rule allows hunters using bows or crossbows (disabled archery permit required) to use nonmagnifying (1x) scopes during archery-only seasons. However, scopes with battery



powered or tritium powered reticles (e.g. 'red dot') are prohibited during archery-only seasons. Conversely, current Commission rule allows the use of battery powered or tritium lighted reticles to be used during any-weapon seasons. The vast majority of crossbows available today come equipped with a scope, many with 'red dot' scopes. Some disabled archery hunters have requested the ability to use battery powered or tritium lighted reticles because of extremely limited availability of non-scoped crossbows. In 2007 the Department issued 317 disabled archery permits.

**Rule:** 13.01.08.260.03. Permits for controlled hunts.

**Issue:** Allowing senior and disabled hunters to apply for leftover youth controlled hunt permits: In 2007 the Department offered 1,300 deer controlled hunt permits and 485 elk controlled hunt permits for youth hunters (age 12-17). Limited numbers of applicants resulted in 593 unfilled deer permits and 43 elk permits. Current Commission rules prohibit non-youth from applying for leftover youth-only controlled hunt permits. Some senior and disabled hunters have requested they be eligible to apply for leftover youth-only controlled hunt permits. Allowing limited numbers of senior and disabled hunters to participate in youth-only controlled hunts would have negligible effects on harvest and population management objectives. Removing eligibility restrictions for leftover youth-only controlled hunt permits is consistent with other existing Commission rules relative to leftover permits.

**Rule:** 13.01.17.100. Use of Bait.

**Issue:** Placement of bait containers prior to the opening of black bear hunting seasons. Current Commission rules prohibit the placement of bait for black bears prior to the opening of hunting season with exceptions for Units 10, 12, 16A, 17, 19, 20, 20A, 26, and 27. However, this prohibition does not cover placement of bait containers (i.e. barrels). Black bear hunters and Department staff have observed placement of bait containers well in advance of hunting season in apparent attempts to secure "the best spots." Some black bear hunters have requested the rules on when bait can be placed also apply to bait containers.

**Rule:** 13.01.08.410.03(c) (iii). Unlawful methods of take.

**Issue:** Use of scopes by visually impaired hunters during muzzleloader-only seasons: In July 2006 the North American Muzzleloader Hunting Association filed a discrimination complaint with the U.S. Department of Interior against Idaho and other states that prohibit the use of scopes during muzzleloader-only seasons. The complaint contended that older hunters, and those with visual disabilities, were being discriminated against by prohibiting the use of scopes. The U.S. Department of Interior found that Idaho did not discriminate on the basis of age, but requested the Department provide "a written description of the process for persons with disabilities to receive special permits based on the documented need for reasonable modification during muzzleloader hunting seasons." Idaho currently provides several provisions for disabled hunters including special permits and licenses. However, none of the current provisions address visual impairment relative to muzzleloader-only hunts.

Brad Compton provided a copy of Minnesota's application and special permit for muzzleloader with a non-magnifying scope (Appendix 41, Exhibit 68). Mr. Compton suggested Idaho's application would be similar with some changes.

Chairman Wright introduced Peter E. Jensen, M.D. who briefed the Commission on his views to allow the use of scopes by visually impaired hunters during muzzleloader – only seasons and to answer questions from the Commission (Appendix 41, Exhibit 69). Dr. Jensen noted that he would be willing to review the applications at no charge to the Department.

**08-62 Commissioner Trevey moved and Commissioner Power seconded a motion to adopt as a proposed rule, TO ACCEPT THE PROPOSAL TO ELIMINATE EVIDENCE OF SEX REQUIREMENT FOR MEAT BEING TRANSPORTED FROM A COMMERCIAL MEAT PROCESSOR. The proposed rule will not be in effect until approved as a permanent rule by the 2009 legislature. The motion carried in a unanimous vote.**

**08-63 Commissioner McDermott moved and Commissioner Trevey seconded a motion to adopt as a proposed rule, TO ALLOW THE USE OF CROSSBOWS WITH NON-MAGNIFYING (1X) SCOPES HAVING BATTERY POWERED OR TRITIUM POWERED RETICLES (E.G. 'RED DOT') BY DISABLED ARCHERY HUNTERS DURING THE ARCHERY –ONLY HUNTING SEASONS. The proposed rule will not be in effect until approved as a permanent rule by the 2009 legislature. The motion carried in a unanimous vote.**

Commissioner Power noted that the Commission is catering to the whims of technology and the Commission will need to address upcoming technology issues.

**08-64 Commissioner Barowsky moved and Commissioner Trevey seconded a motion to adopt as a proposed rule, TO ACCEPT THE PROPOSAL PROVIDED BY STAFF TO ESTABLISH A PROCEDURE FOR HUNTERS WITH DISABILITIES TO APPLY FOR AND RECEIVE APPROVAL FROM THE DIRECTOR OF FISH AND GAME FOR REASONABLE ACCOMMODATION TO PARTICIPATE IN SPECIAL WEAPON HUNTING SEASONS. A LICENSED MEDICAL PRACTITIONER WOULD BE REQUIRED TO CERTIFY THE APPLICANT REQUIRES REASONABLE ACCOMMODATION IN ORDER TO PARTICIPATE IN THE SPECIAL WEAPON HUNTING SEASON. ADDITIONALLY, THE REASONABLE ACCOMMODATION WOULD NOT RESULT IN THE DISABLED HUNTER HAVING A SIGNIFICANT ADVANTAGE OVER NON-DISABLED HUNTERS. FOR EXAMPLE, PERSONS WITH A FOCUSING DISABILITY (E.G. PRESBYOPIA) COULD REQUEST THE USE OF OPTICAL SIGHTING DEVICE WITHOUT MAGNIFICATION IN A MUZZLELOADER-ONLY HUNT AND TO REMOVE THE TERMS PHYSICIAN ASSISTANTS OR NURSE PRACTITIONERS AND REPLACE WITH OPHTHALMOLOGIST AND OPTOMETRIST. The proposed rule will not**

be in effect until approved as a permanent rule by the 2009 legislature. The motion carried in a unanimous vote.

**08-65 Commissioner Power moved and Commissioner Budge seconded a motion to adopt as a proposed rule, TO ALLOW HOLDERS OF SENIOR COMBINATION AND DISABLED COMBINATION LICENSES TO APPLY FOR AND PARTICIPATE IN, OVER THE COUNTER SALES, NOT DURING THE SECOND DRAWING LEFTOVER YOUTH-ONLY DEER AND ELK CONTROLLED HUNTS. The proposed rule will not be in effect until approved as a permanent rule by the 2009 legislature. The motion carried in a unanimous vote.**

**08-66 Commissioner Power moved and Commissioner Barowsky seconded a motion to adopt as a proposed rule, TO ACCEPT THE CHANGE FOR THE USE OF BAIT AND ADD THE TERM NO BAIT OR BAIT CONTAINERS MAY BE PLACED PRIOR TO THE OPENING OF BLACK BEAR HUNTING SEASONS. The proposed rule will not be in effect until approved as a permanent rule by the 2009 legislature. The motion carried in a unanimous vote.**

Mr. Compton noted that various rules (upland game, mandatory check of Panhandle elk, and bighorn sheep) published in the Administrative Code have not been updated to reflect recent Commission actions. Additionally, controlled hunt area descriptions and shooting hours (waterfowl) are now established by proclamation. Commission action is not required, but provided for informational purposes. The changes will be presented for legislative approval.

Mr. Compton presented a letter from constituent Scott McCutcheon allowing crossbows as a legal method of take for turkey and forest grouse (Appendix 41, Exhibit 70). Commission consensus is not to make any changes.

## **REPORT**

### **Wolf Update**

Jeff Gould, Wildlife Bureau Chief, provided a brief update to the Commission. Judge Molloy issued a preliminary injunction against wolf delisting on July 18, which reinstated federal ESA protections for the northern Rocky Mountain gray wolf pending final resolution of the case. Mr. Gould provided copies of a wolf mortality report (Appendix 41, Exhibit 71) that the Department will continue to use when the Department is able to take control of state management of wolves. The report will be a valuable tool to communicate where we are on reaching mortality limits.

Mr. Gould distributed copies of Department talking points for Federal Court Decision on Wolves (Appendix 41, Exhibit 72).

Clive Strong, Attorney General provided an update on the legal review process and what the Department can expect on Judge Molloy's decision. Mr. Strong noted that the

decision that has been made is a preliminary injunction and is not a final determination in court. The court did look at Idaho's process and stated the wolf plan was adequate to allow for management by Idaho. There are two issues that are before the court 1) genetic exchange and 2) adequacy of the Wyoming plan to meet the recovery goals. The Attorney General's office is carefully reviewing the case and discussions with Departments of Interior and Justice to analyze the status of the case. It is important that we not abandon the course we are on. The ESA is a matter of federal law and under the supremacy clause the state of Idaho is bound to comply with that statutory revision. It is not something that can be changed. We must operate within the structure that is available.

**08-67 Commissioner Budge moved and Commissioner Trevey seconded a motion TO DIRECT THE DIRECTOR AND THE DEPARTMENT TO CONSIDER ADDING A LINK OR OTHER APPROPRIATE MEANS IN THE DEPARTMENT WEB PAGE ON THE TOPIC OF WOLF MANAGEMENT AND DELISTING UNDER THE ESA WHERE APPROPRIATE INFORMATION COULD BE POSTED AND READILY ACCESSIBLE BY THOSE ACCESSING THE DEPARTMENT WEBPAGE TO KEEP THE PUBLIC INFORMED AND EDUCATED ON THE STATUS ON WOLF DELISTING. The motion carried in a unanimous vote.**

## **MISCELLANEOUS**

### **Review of Public Comment**

Commissioners reviewed and discussed the public meeting comments. Chairman Wright stated that the VA disability concerns from Mr. Frame and Mr. Schafer were addressed in the Commission action; Bob Balser letter, record is clear past history and is public record; John Walters claims for depredation of ungulates and hounds little that can be done; comments about units 4-7-9 Jim Hayden discussed with Mr. Cook; elk number counts and how the Department was conducting counts was covered in discussion. Communication and education are important to keep constituents informed with good information. SFW desire to get habitat on the ground will be discussed in the budget presentation.

## **FISCAL**

### **Department Budget and Fee Increases**

Director Groen stated that four years ago the Department went to the legislature and asked for a 14% fee increase and were granted a 10% increase. Legislators instructed the Department to come back more frequently and ask for smaller increases. The Department agreed to come back in two years but has managed to make fee increase last for four years. The Department is now faced with asking for a fee increase for FY2010 budget.

Director Groen stated that there is discussion going on with other state agencies, Governor's office and DFM regarding funding for broader services provided by the agencies such as non game, habitat, and education efforts which are costly.

Jim Lau, Chief of Administration stated that FY2008 budget did not require any use of cash reserves and should be stable through the end of this calendar year. Mr. Lau reported that the FY2008 budget was in balance, revenues equaled the expenditures.

Mr. Lau distributed handouts showing options related to fee increases and what the cash flow would look like. First handout (Appendix 41, Exhibit 73) shows a 15% increase, and second handout (Appendix 41, Exhibit 74) shows a 20% increase. Mr. Lau noted this fee increase would cover fiscal years 2010, 2011 and 2012. The fee increase is not an across-the-board for all fees, it is a revenue increase approach.

Bill Hutchinson provided a report on priorities that the Department has identified and if additional funding is available how the Department would suggest that it be spent. Mr. Hutchinson distributed handouts (Appendix 41, Exhibit 75) showing options related to fee increases and what the cash flow would look like for a 15% and a 20% increase showing possible enhancements.

Possible Enhancements are:

- New fishing waters
- Maintain fish production
- Habitat initiative (MDI and sage-grouse)
- Access Yes!
- WMA deferred maintenance
- Increase in fire protection costs
- Maintain pheasant stocking
- Additional Deputy AG
- Financial system improvements
- Restore prior cuts to Engineering
- Two part-time volunteer coordinator
- Communication of Outdoor youth initiatives

Mr. Lau distributed a copy of the FY2010 Department proposed budget (Appendix 41, Exhibit 76). The Department budget that will be submitted will be a base line budget with no license enhancements. Mr. Lau noted that a trailer bill would follow for the revenue increase if approved by the Governor.

## **LEGISLATIVE**

### **Legislative Proposals**

Director Groen stated that the Commission has been presented with 15% and 20% revenue increase options and would like Commission direction as to how the Commission would like the Department to proceed with the legislative proposal.

**08-68 Commissioner Barowsky moved and Commissioner McDermott seconded a motion TO PURSUE A 20% INCREASE TO BE DETERMINED BY THE FEES OR LICENSES AS PRIORITIES BEING SET BY THE DIRECTOR AND STAFF. The motion carried in a unanimous vote.**

### **FISCAL**

Bill Hutchinson provided a brief report on what direction the Department will pursue if the 20% revenue increase is approved. Mr. Hutchinson noted that demonstrating the need and showing efficiencies in the Department is an effective tool. Mr. Hutchinson has been directed by the Director to look at how the Department has improved efficiencies and can improve efficiencies in order to better demonstrate the Department need when we present our revenue increase to the Legislature.

Mr. Hutchinson noted that in 1994, the Commission requested that a review of the Department's effectiveness on 14 key issues raised by the regional wildlife councils be conducted by a Management Assistance Team. A report outlining the findings and recommendations was submitted to the Commission. Notable recommendation included: Create an office of Director Support that would evaluate and improve management systems and improve effectiveness; Dissolve the Natural Resources Policy Bureau (NRPB); Shift more authority and responsibility from the Bureaus to the Regions; Operate more efficiently; Implement a policy that says "all that benefit should pay and all that pay should benefit". Overall the study found the Department to be in good shape but the agency needed re-structuring and needed to become more efficient. As a result of the 1994 study, the Department has made good progress in implementing many of the recommendations. The Directors office has been re-organized with an additional Deputy Director, Special Assistant and Assistant Director, NRPB has been dissolved and personnel transferred to other Bureaus, we are in the process of de-centralizing and transferring more responsibility to the Region, we are evaluating the efficiency of the Department and documenting areas of efficiency and deficiency. The Department is also critically looking for alternative funding sources to implement the "all that benefit should pay and all that pay should benefit" philosophy.

### **REPORT**

#### **2008 Waterfowl and Sage-grouse Update**

Tom Hemker, Wildlife Program Coordinator, briefed the Commission on the proposed waterfowl and sage-grouse (Appendix 41, Exhibit 77) regulations for 2008. Mr. Hemker stated that the Commission sets seasons for ducks, geese, and sage-grouse in August. The presentation reviewed the 2008 status of Idaho's duck, goose and sage-grouse populations as well as Department proposals for 2008 seasons. The 2008 waterfowl season frameworks will be finalized by the U.S. Fish and Wildlife Service on July 31, 2008. The Commission will take final action during a conference call set for August 12<sup>th</sup>.

### **Hunter Ed Instructor Award**

Les Pattee, Hayden, was recognized by the Commission with its “Continuing the Heritage” Award. Mr. Pattee has reached the 35,000 point level in the hunter/bowhunter education program. Mr. Pattee has been a hunter education instructor for 24 years and bowhunter education instructor for 16 years.

### **LANDS**

#### **Sullivan and Anselmo Land Acquisition and Turner Donation**

Gregg Servheen provided an update on the Sullivan and Anselmo acquisitions and the Turner donation.

#### **Anselmo Property**

This 28-acre fee title acquisition consists of 2 parcels located along the Pend Oreille River approximately 1 mile east of Oldtown, Idaho.

Originally proposed as an acquisition of a 12-acre parcel of forest wetland habitats adjacent to the Pend Oreille River habitat segment, an additional parcel of 15 acres was added to the project subsequent to project initiation. This 15-acre parcel was added because it provides additional protection to an active bald eagle nest as well as to some springs on the property. No structures exist on either property.

The properties are being acquired through the Albeni Falls wildlife mitigation program and will be funded by BPA. The properties will be managed as part of the Pend Oreille WMA and they are adjacent to the existing acre Albeni Cove habitat segment. Additional operating costs of these properties.

#### **Sullivan Property**

The 24-acre Sullivan property borders the southern edge of Smith Creek and Boundary Creek WMA. It is being acquired as an addition to the Boundary Creek WMA through the Albeni Falls wildlife mitigation program. It will be managed as part of the Boundary Creek WMA, with operational costs paid for by the mitigation program.

The property is approximately 20 miles north of Bonners Ferry and borders the southern edge of the Smith Creek and Boundary Creek Wildlife Management Areas (WMAs).

A portion of the property is covered by the alluvial fan formed by Smith Creek as it transitions from a high gradient stream to the nearly level floodplain. The lowest portion of the property floods seasonally and it contains shrub and forested wetland habitats.

A modular home and pole barn are located on the property. Both buildings are less than 10 years old and well maintained.

Adequate operational and seasonal personnel funds exist in the existing BPA supported budget to operate the property. Disposition of the modular home and pole building will be used to either meet an important regional or IDFG need or disposed of. The pole barn would be retained for equipment storage.

### **Turner Donation**

This 1.5-acre donation is located on the Salmon River directly adjacent to the Department's Red Rock access site. The parcel will provide expanded fishing and camping access adjacent to the Salmon River. In addition, it will provide opportunities for wildlife viewing and interpretation as well as some riverside cottonwood habitat.

The Department will incur about \$3500 in due diligence costs to accept the donation with some additional operations costs (<\$500) to maintain the site.

**08-69 Commissioner Power moved and Commissioner McDermott seconded a motion TO PROCEED WITH THE ANSELMO AND SULLIVAN ACQUISITIONS AND THE TURNER DONATION. The motion carried in a unanimous vote.**

## **REPORT**

### **Farragut Range Update**

Chip Corsi, Panhandle Regional Supervisor gave a brief update on the Farragut Range (Appendix 41, Exhibit 78).

The Commission adopted a motion at their November 2007 meeting that included pursuing a full partnership arrangement with Idaho Parks and Recreation Department to develop, operate and maintain a community, family, and sportsmen based shooting range at Farragut State Park.

A primary step to implement the Commission direction is to gain legal approval to reopen Farragut Range. Lack of a uniform noise standard was considered an impediment to judicial approval. During the 2008 legislative session, House Bill 515 created an objective and measureable noise standard for state-owned sport shooting ranges. The bill was signed into law by the governor and became effective on July 1, 2008.

Department staff has continued with engineering design and cost estimates to develop the "no blue sky" configuration, which is also required as a primary legal consideration of reopening the range.

The Department has worked with the Attorney General's office to develop a strategy to reopen the Farragut Range consistent with legal requirements and within the context provided by the Commission.



## **MISCELLANEOUS**

### **Executive Session**

**08-70 Commissioner Barowsky moved and Commissioner Trevey seconded a motion TO HOLD AN EXECUTIVE SESSION, PURSUANT TO IDAHO CODE 67-2345 1 (F) LEGAL. The motion carried in a unanimous vote.**

**08- 71 Commissioner McDermott moved and Commissioner Barowsky seconded a motion TO COME OUT OF EXECUTIVE SESSION. The motion carried in a unanimous vote.**

The session ended at 5:40 p.m. with no official action taken.

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Wayne Wright  
Acting Chairman

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Cal Groen  
Secretary